From:	[redacted]
To:	FGC
Cc:	Robert Meese; John H. Harris; Ted Beedy; Chris Conard; Lowell Young; Lowell & Sue Young; Deren Ross
Subject:	Comments on Tricolored Blackbird Emergency Listing Proposal
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Attachments:	Tricolored Blackbird Listing Comments - submitted - DAA 7-24-14.docx

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Please provide my comments attached to the Commission for their consideration in considering the emergency listing of the Tricolored Blackbird. These comments are based on my 2014 studies of nesting Tricolored Blackbirds in the foothill grassland region of the central Sierra Nevada.

Thank you

Dan Airola
Certified Wildlife Biologist/Editor, Central Valley Bird Club Bulletin
916/494-1283
d.airola@sbcglobal.net

Daniel A. Airola
Certified Wildlife Biologist
[redacted]
July 24, 2014

California Fish and Game Commission
1416 Ninth Street, Room 1320,
Sacramento, CA 95814;

Subject: Comments on the Emergency Listing of the Tricolored Blackbird, regarding the importance and needs for the population segment occupying the lower central Sierra Nevada foothills.

I offer the following information and comments that Fish and Game Commission may want to consider in deciding whether and how to proceed with emergency listing of the Tricolored Blackbird (*Agelaius tricolor*) under the state Endangered Species Act.

Qualifications

I am a Certified Wildlife Biologist (The Wildlife Society) with 38 years experience working as a biologist in northern California. I have worked as a consulting biologist on Endangered Species issues over the last 29 years. I have conducted research on a variety of bird species in Northern California, including State Species of Special Concern, that has resulted in publication of over 40 scientific articles. I serve as the Editor (>2011) and Editorial Board Chair (>2005) of the Central Valley Bird Club Bulletin, which publishes article on status, distribution, ecology, and conservation of birds in the Central Valley. I have participated in all Tricolored Blackbird surveys conducted in the Central Sierra Nevada foothill counties for the statewide survey since the early 1990s.

In 2014, I conducted a comprehensive survey of Tricolored Blackbirds in the central Sierra Nevada foothill region (from Placer to Stanislaus Counties) to document the nesting population and reproduction. This is the first such comprehensive reproductive survey conducted in this portion of the species' range.

Also, I come from a long-time ranching family that grazes cattle in Calaveras County. I and my immediate family own ranchland leased for grazing that is occupied annually by a Tricolored Blackbird colony.

Comments on Emergency Listing Proposal

The comments included here are my own. I am not representing, and was not paid by, any organization to conduct my studies or prepare these comments.

I am confining my comments mainly to the area that I know best, the Central Sierra foothill grassland area. The area consists of lowland areas (at 50-1,500 ft elevation) spanning 1,600 mi^2 within seven counties (Placer, El Dorado, Sacramento, Amador, San Joaquin, Calaveras, and Stanislaus). I conducted studies throughout the 2014 Tricolored Blackbird breeding season to document the size of breeding population, reproductive success, nesting and foraging habitat use, and land use threats. All colony sites in this region were on private

lands, and so were observed only from public rights of way, with resulting limitations on information that could be collected.

The study was conducted in cooperation with Dr. Robert Meese of U. C. Davis. We are currently preparing a manuscript with study results for scientific publication. The manuscript has not been finalized, so some of the information included here may change as we proceed through preparation and peer review. Due to the short timeline for providing comments, Dr. Meese and I did not consult extensively on our responses. Therefore, these comments represent my views alone.

In addition to the 2014 studies, my comments reflect my limited review of the population history in the region, and my long-term on-the-ground knowledge of land conditions and landowner attitudes in the foothill grassland region.

Statewide Status Numbers in the Foothill Grassland Region

The Tricolored Blackbird population recorded during the statewide survey in this area has varied since 2008, with no discernible decline evident (Table 1). Tricolored Blackbird colonies have varied in location from year to year since the 1990s, with some sites regularly occupied but other intermittently used and new ones recently colonized.

Table 1. Tricolored Blackbirds counted during statewide surveys in the central Sierra Nevada foothill grassland region 2008-2014 (Source: R. Meese).

Year	No. Tricolored Blackbirds Recorded
2008	44,518
2011	11,785
2014	63,518

Results of 2014 Nesting Season Study

In 2014, my surveys showed that the central Sierra foothill area supported nesting by 42,000 birds or about 30% of the statewide Tricolored Blackbird population. This survey total differs from the Statewide Survey total for the area (i.e., Table 1) because the Statewide Survey occurs early in the nesting period for this region, when some of the birds present may be migrants moving through the area to more northern breeding areas.

The 2014 nesting population represents about 15% of the annual statewide nesting effort, assuming that most Tricolored Blackbirds nest twice annually. If a portion of the total population is assumed to be non-nesters, then the proportion of the total nesting effort occurring in the foothill grassland region is >15%.

The Tricolored Blackbird seemed to do well reproductively in the area in 2014, based on direct and indirect indicators of reproductive success. Twenty-four (96%) of 25 monitored

nesting colonies were either verified to have produced young (11 colonies) or were considered likely to have produced at least some young based on observation of adults carrying food to nestlings in colonies (13 colonies).

Despite annual rainfall averaging only 55% of average during 2014, the foothill grassland study area appeared to support substantial grass growth, presumably because rainfall during February-April was 119% of average (based on rainfall data from 22 stations in and adjacent to the region..

At most colonies (79%) in the foothill grassland region, Tricolored Blackbirds nested in Himalayan blackberries, a non-native species associated with riparian areas, irrigated pastures, and irrigation ditches. Emergent cattail and bulrush in ponds constructed for irrigation and stock watering were used for nesting at half of the nesting colonies. At over half of the colonies (58%), Himalayan blackberry was the only plant species used; in the remaining areas blackbirds used mixtures of blackberry, cattail, and bulrush.

Himalayan blackberry is considered an invasive weed with a "High" concern rating by the California Invasive Plant Council and California Exotic Pest Plant Council. This rating is assigned to species that "have severe ecological impacts on physical processes plant and animal communities, and vegetation structure (http//www.calipc.org/ip/inventory/index.php#definition). Therefore, there may be conflicts between Tricolored Blackbird nesting habitat needs and state agency policies regarding management of Himalayan blackberry. The ecological value of blackberry to the blackbird may need to be further emphasized.

Tricolored Blackbird foraging occurred primarily in annual grasslands (70% of observations), with lesser use of irrigated pastures, hayfields, and livestock concentration areas. Nestlings were mostly fed grasshoppers captured in annual grasslands. Adults also fed on seeds in curing hay crops.

Good opportunities appear to exist to increase the Tricolored Blackbird nesting population in the foothill grassland region through establishment of suitable nesting habitat in areas where it is lacking, but where foraging habitat conditions appear suitable.

The major threat to foothill grassland colonies is urban development in certain areas; 40% of the known 2014 colonies, which supported 50% of the nesting population, were in areas that were actively being developed (2% of the region's nesting population), zoned for future development or mining (28%), or proposed for rezoning to development (21%). Nearly half (48%) of the breeding population occurred on lands zoned agricultural. Only one colony (with 1% of the population)was on protected conservation lands. The colonies on lands not zoned or proposed for development are generally on lands zoned for rural residential, agricultural, or mining use.

More research is needed in the foothill grassland region and other similar areas, to further document population size, reproductive success, specific habitat needs, opportunities for habitat enhancement, determinants of grasshopper prey abundance, and potential benefits of grasshopper control by Tricolored Blackbirds on livestock forage production and availability.

Potential Issues with Private Landowners Where Tricolored Blackbird Breed

Conflicts between Tricolored Blackbird habitat needs and agriculture and ranching in the foothill grassland area are minimal, and most practices undertaken by these industries appear to be beneficial (e.g., irrigation that encourages growth of Himalayan blackberries used as nesting substrate, hay production that produces seed, etc.). The main potential conflict is loss of nesting habitat due to control of Himalayan blackberry, but this is a localized periodic event. Blackberry control may affect individual colonies but, due to the blackbird's ongoing pattern of shifting of colony locations, it may not be affecting the size or reproductive success of the overall nesting populations. Only one of 38 colony sites monitored may have been disturbed by ranching activities (blackberry control) during the 2014 nesting season.

Through my contacts in the field, I have found that many landowners in the region, including likely many of those whose lands support Tricolored Blackbird colonies, do not recognize the species as different from the common Red-winged Blackbird, and are not aware that the species is nesting on their properties.

Tricolored Blackbirds currently pose no recognizable conflict with agricultural activities in the region. As consumers of grasshoppers, which compete with livestock for forage, Tricolored blackbirds may be considered beneficial to ranchers. This benefit, however, probably is not widely recognized, if at all, by the ranching community.

There appears to be widespread mistrust by private ranching and agricultural landowners in this area of the federal and state government wildlife agencies and antipathy to the state and federal Endangered Species Acts. Some of the same ranchers who have blackbird habitat on their home ranch properties are concerned over the effects of proposed listing of the mountain yellow-legged frog and Yosemite toad on their summer range grazing on federal lands.

It would be relatively easy for private landowners to eliminate a large portion of the known and suitable nesting habitat for the Tricolored Blackbird by spraying or burning blackberry patches or controlling cattail and bulrush stands. A realistic potential outcome of listing the Tricolored Blackbird in this region could be that many landowners may degrade or eliminate blackberry habitat during the non-nesting period, to avoid having to deal with a listed species.

Many ranchers in the area are facing economic challenges of increased land prices, high property taxes, operational costs, foreign competition, environmental constraints, drought effects, and land use conflicts due to increasing human populations. They are sensitive to another potential cost or constraint to operations. Conversely, however, they may be receptive to conservation programs that provide financial incentives to continue existing beneficial management programs.

If listing the species triggers only punitive measures (i.e., prohibitions), rather than creating financial incentives to reward landowner's ongoing positive contributions to maintaining quality Tricolored Blackbird habitat, it is likely to result in more harm than good for the species in this region (through nesting habitat elimination).

If the Commission decides to list the species, it should consider committing to other measures that may reduce the potential effects of the listing on the ranching and agricultural community in the foothill region and other similar areas, and thereby reduce potential reduction in habitat value that would remain legal after listing (i.e., removal of nesting habitat during the non-nesting season). These measures may include:

- explicitly clarify that typical ranging management practices would not typically constitute a take of the species.
- consider authorizing any limited accidental take associated with normal ranching and farming activities in this region.
- quickly establish financial incentive programs to reward management that maintains and encourages retention of suitable conditions for the Tricolored Blackbird.
- communicate the potential benefits to landowners of Tricolored Blackbird control of grasshoppers, to encourage voluntary nesting colony retention.
- organize and funding research that can help to identify effective measures to better understand Tricolored Blackbird population biology in the region, measures that would minimize potential conflicts with land uses, and priority lands for conservation and enhancement measures

Conclusions

Notwithstanding the apparent immediate health of the nesting population of the Tricolored Blackbird in the central Sierra foothill grassland region, this information should be overemphasized in determining whether listing is warranted. Significant threats from development exist in the region. Also, the consistent statewide population decline of the species is irrefutable, and ongoing threats that occur in other areas of the species range continue to exist.

The main point of this comment letter is to emphasize that the central Sierra foothill region offers significant conservation value to the Tricolored Blackbird and, notwithstanding current threats, substantial opportunities for enhancement of its future conservation status on agricultural and rangelands. Achieving protection and enhancement in these areas, however, will require careful communication with landowners and implementation of conservation actions that are compatible with and beneficial to the ranching and agricultural communities.

Thank you for the opportunity to offer my views on the listing proposal.